



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2897/1
RAC:emw

2017 SENATE BILL 230

1 **AN ACT** *to renumber and amend* 157.02 (1); *to amend* 157.02 (2), 157.02 (5),
2 301.325, 302.14 and 979.10 (1) (a) (intro.); and *to create* 157.02 (1) (a), 157.02
3 (1) (b) 2. and 973.20 (11) (f) of the statutes; **relating to:** burial or cremation and
4 burial of a deceased prison inmate, cremation of an unclaimed corpse, and
5 prohibition on cremation of an unclaimed corpse in cases of homicide.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 157.02 (1) of the statutes is renumbered 157.02 (1) (am) and
7 amended to read:
8 157.02 (1) (am) When an inmate of any state, county or municipal institution
9 dies, the superintendent or other person in charge of the institution shall
10 immediately notify a relative of the decedent. A public officer having the possession

SENATE BILL 230**SECTION 1**

1 or the disposition of a corpse shall immediately notify a relative of the decedent. If
2 no relative is known, or discoverable by use of ordinary diligence, notice may be
3 dispensed with. ~~In addition, if~~

4 (b) If the deceased had been an inmate of a state correctional institution, the
5 department of corrections shall provide written notification to the relative informing
6 him or her that the department of corrections, upon request, will provide do any or
7 all of the following:

8 1. Provide a copy of any autopsy report or other report or information
9 pertaining to the death.

10 (c) The department of corrections shall describe how the request requests
11 under par. (b) may be made and shall promptly comply with any such request.

12 **SECTION 2.** 157.02 (1) (a) of the statutes is created to read:

13 157.02 (1) (a) In this section, "burial" has the meaning given in s. 157.061 (1).

14 **SECTION 3.** 157.02 (1) (b) 2. of the statutes is created to read:

15 157.02 (1) (b) 2. Allow the relative to claim the cremated remains of the inmate
16 before burial of the remains.

17 **SECTION 4.** 157.02 (2) of the statutes is amended to read:

18 157.02 (2) TIME ALLOWED RELATIVE TO ACT. If a relative or friend fails to arrange
19 for taking charge of the corpse within a reasonable time after death, the
20 superintendent or other officer may proceed as provided in this section, but relatives
21 or friends may claim the corpse at any time before it has been delivered pursuant to
22 sub. (3) or, if a request is made under sub. (1) (b) 2., after it has been cremated but
23 before burial of the cremated remains under sub. (5).

24 **SECTION 5.** 157.02 (5) of the statutes is amended to read:

SENATE BILL 230

1 157.02 (5) OTHER DISPOSITION. If the corpse is not disposed of under subs. (1)
2 to (4), the superintendent or public officer shall properly bury it, or cremate it, subject
3 to s. 979.10, and bury the cremated remains.

4 **SECTION 6.** 301.325 of the statutes is amended to read:

5 **301.325 Prisoner reimbursement to the state.** The department may
6 charge a prisoner or a prisoner's estate for some or all of the costs to the department
7 of the prisoner's incarceration or burial or cremation and burial under s. 157.02 (5).
8 The department may collect from the inmate or his or her estate during his or her
9 incarceration or after his or her release or death, or both. If the prisoner has paid
10 all victim restitution ordered under s. 973.20 or if the department has collected
11 victim restitution pursuant to s. 973.20 (11) (f), the department may use any
12 remaining money held for a prisoner under s. 301.32 (1) to pay for some or all of the
13 costs to the department for the prisoner's burial or cremation and burial under s.
14 157.02 (5). Upon the request of the department, the attorney general may bring a
15 civil action to recover costs under this section that the department has been unable
16 to collect. The department may not recover under this section for any costs already
17 recovered as otherwise provided in chs. 301 to 303. The department shall promulgate
18 rules providing a method of charging under this section that is based on a prisoner's
19 ability to pay and providing procedures for collection of the costs.

20 **SECTION 7.** 302.14 of the statutes is amended to read:

21 **302.14 Property of deceased inmates, parolees, probationers or**
22 **persons on extended supervision, disposition.** When an inmate of a prison, a
23 parolee of an institution, a person on extended supervision or a person on probation
24 to the department dies leaving an estate, after paying all costs and obligations under
25 ss. 301.32 and 301.325, of \$150 or less in the trust of the warden, superintendent or

SENATE BILL 230**SECTION 7**

1 secretary, the warden, superintendent or secretary shall try to determine whether
2 or not the estate is to be probated. If probate proceedings are not commenced within
3 90 days, the warden, superintendent or secretary shall turn over the money or
4 securities to the nearest of kin as evidenced by the records of the institution and the
5 department.

6 **SECTION 8m.** 973.20 (11) (f) of the statutes is created to read:

7 973.20 (11) (f) If an inmate in a state prison or a person sentenced to a state
8 prison has not paid, at the time of his or her death, restitution ordered under this
9 section, the department shall assess, collect, and disburse the amount owed from the
10 inmate's wages or other moneys.

11 **SECTION 9.** 979.10 (1) (a) (intro.) of the statutes is amended to read:

12 979.10 (1) (a) (intro.) No person may cremate the corpse of a deceased person
13 within 48 hours after the death, or the discovery of the death, of the deceased person
14 unless the death was caused by a contagious or infectious disease. Notwithstanding
15 s. 979.09, no person may cremate an unclaimed corpse if the deceased person died
16 as the result of homicide. No person may cremate a corpse unless the person has
17 received a cremation permit from:

18 (END)